

PIETRAGALLO
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
ATTORNEYS AT LAW

38TH FLOOR ONE OXFORD CENTRE PITTSBURGH, PA 15219
412.263.2000 FAX: 412.263.2001
WWW.PIETRAGALLO.COM

DIRECT DIAL NO.: 412.263.1816
DIRECT FAX NO: 412.263.4246
FILE NO.: MYLAN-112578
EMAIL: cct@pietragallos.com

November 9, 2021

Via ECF

Special Master the Hon. Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower, 18th Floor
Philadelphia, PA 19103
TIV@stevenslee.com

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*
USDC, District of New Jersey, No. 1:19-md-2875-RBK-KMW

Dear Judge Vanaskie:

I write on behalf of the Defendants' Executive Committee to provide Defendants' positions with respect to the topics on the agenda for the conference with the Court on Wednesday, November 10, 2021.

1. Plaintiff Fact Sheet Deficiencies related to Economic Loss and Medical Monitoring class representatives

Defendants write once again to apprise the Court of the progress on completion of the discovery ordered by Special Master Order No. 40. [Dkt. 1514](#). As the Court is aware, the depositions of the 34 newly-named class representative Plaintiffs must be completed by the December 3, 2021 deadline set by the Court. *Id.* As of this week, there remain eight cases where the Plaintiff Fact Sheets ("PFS") are not substantially complete. The Plaintiffs at issue are: Joseph Kessinger, Richard O'Neill, Mark Hays, Peter O'Brien, Mary McLean, Georgia Fatigato, Marilyn Andre, and Kenneth Berkson. If complete records for these Plaintiffs are not provided promptly it will be impossible for Defendants to complete their respective depositions by the current deadline.

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Plaintiffs Berkson and O'Neill have yet to provide any response to the initial deficiency notices served on October 6th and October 29th, respectively. Three of these deficiencies, for Plaintiffs Hays, O'Brien, and Andre, relate only to the failure to provide an executed declaration. While Defendants will continue to work with Plaintiffs' counsel to move forward in the absence of a properly executed declaration, there is no justification for failing to provide this fundamental document in advance of each Plaintiffs' deposition. The remaining PFS deficiencies primarily relate to the failure to provide necessary records which will be the focus of the Plaintiffs' respective depositions.

Additionally, the Estate of Eleonora Deutenberg still does not have a duly appointed representative, although the Plaintiff Fact Sheet is otherwise substantially complete.

Given the approaching deadline set by the Court, Defendants request that the Court order these nine Plaintiffs to cure the outstanding core deficiencies in seven days. To the extent these deficiencies are not cured by that time, the parties will almost certainly be unable to complete these depositions by December 3rd, and Defendants intend to request an order to show cause as to why these deficient cases should not be dismissed.

2. Status of Baohua Chen's deposition

Plaintiffs have placed the status of Mr. Chen's deposition on the agenda. At the last Case Management Conference, the Court ruled that Mr. Chen's deposition should be completed by December 15. As explained during that conference, Duane Morris has been informed that Mr. Chen's request for a travel permit has been denied verbally, and that the ZHP Parties are working with the Chinese authorities to determine whether that decision may be modified. Duane Morris intends to communicate with Plaintiffs as additional information bearing on this issue becomes known.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clem C. Trischler". The signature is fluid and cursive, with the first name "Clem" and last name "Trischler" clearly distinguishable.

Clem C. Trischler

c: All counsel of record (via ECF)